IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 2656 of 2007(N)

PETITIONER:

MR. GEORGE ANTONY,
MANAGING PARTNER,
G.K.GRANITES,
KIZHAKKAMBALAM,
ERNAKULAM.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMETN SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE KERALA HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS REGISTRAR.

3. MISS. NIMISHA MATHEW,
D/O. MATHEW,
KUNNUMPURATH HOUSE,
CHEMBAKAPPARA,
IDUKKI DISTRICT.

4. S.I. OF POLICE, THADIYITTAPARAMBU POLICE STATION,
ALUVA.

BY ADV. SHRI.I.V.PRAMOD, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 2656 of2007

Dated, this the 23rd day of January, 2007

J U D G M E N T

The petitioner is challenging the direction issued by the Human Rights Commission to the petitioner to return the certificates of the 3rd respondent stated to be withhold by the petitioner, even after she left the service. In fact, the petitioner challenged the very same order in this Court and this Court vide Ext.P4 judgment directed the petitioner to file counter affidavit before the Commission and explain his case, so that, if required, the Commission will modify their order. Even though the petitioner appears to have filed a counter before the Commission, there is no mention in it about his filing of a writ petition in this court and obtaining of judgment. Since already there is a judgment in the same matter, there is no scope in entertaining another writ petition with the same prayers. In any case, I feel one more opportunity can be given to the petitioner to appear before the Commission in person to consider his objections and if necessary, for evidence, and come to a clear cut finding about the claim of the 3rd respondent in the light of the petitioner's objections. This writ petition is, therefore, disposed of directing the 4th respondent to withhold petitioner's arrest till 28/02/2007, within which time the petitioner will appear in person

before the Human Right Commission and make application, so that the Commission will take up the case and ask the petitioner and the 3rd respondent to appear before the Commission for hearing. It is open to the Commission to dispense with petitioner's arrest if the petitioner undertakes appearance and comply with orders of the Commission.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg